

REMARKS

Applicants have now had an opportunity to carefully consider the prior art and Examiner's comments set forth in the Office Action of March 3, 2009.

Further, Applicants have reviewed the Notice of Non-Compliant Amendment mailed July 20, 2009. Applicants have correctly identified claims 25-33 and "Withdrawn."

Reconsideration and reexamination of the Application are requested.

Claims 34-45 are currently pending.

Claims 34, 40, 42, and 43 are amended.

Claims 1-24 are cancelled.

Claims 25-33 are withdrawn.

The Office Action

Claims 34-45 are pending in this application.

Claims 34-45 stand rejected non-final.

Claims 34-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2002/0049839 to Miida et al. (hereinafter "Miida"). Applicant appreciates the indication that the prior art submitted in the Information Disclosure Statement has been considered.

The Claims Are Not Anticipated By Miida

The present application claims a system and method of a low cost embedded platform for the management of peripheral device distributed services. The claimed system and method employs a browser based user interface to remotely perform customer management of self help of customization and for enhancement of services provided to peripheral devices. The present application is also software platform independent and may be run anywhere. However, Miida as cited by the Examiner teaches a system, method and apparatus of collecting and providing information in which information about a copier is compiled and provided to an end user without analysis being performed. Furthermore, the cited art of Miida does not teach platform independence or remote access.

As per claim 34, the present application claims an interfacing peripheral hardware device comprising a services layer, a common device modeling agent, and a device independent services environment for executing software to perform services at run time. The Examiner cites Miida as teaching "any other device which can receive e-mails and display a web page". However, Miida does not teach platform independent services or services being performed at run time. Thus it cannot be said that Miida teaches the specific element of the present application. Furthermore, the present application in claim 34 claims a device modeling agent written in a platform independent language embedded within a device. The Examiner recites a control unit which retrieves device information and may provide security. However, this is not platform independent language and the software written in this platform independent language is not embedded within the peripheral device, therefore it cannot be said that Miida in this instance teaches the element of the present application. Furthermore, claim 34 also teaches a service manager which loads software, maintains lists of currently installed services and manages the life cycle of the services wherein the life cycle includes add, delete, modify, customize, synchronize, and register of software services. The Examiner recites Miida as teaching accessing customer information in a database specifically to a copier used by the customer and providing the customer with status information and enabling the customer to select a file. However, nothing in Miida teaches management of a life cycle process where the life cycle includes the adding, deleting, modifying, customizing, synchronization, or registration of software services. Furthermore, a common provider application is claimed by the applicant which enables device configurations to be maintained, monitored, and retrieved. As cited by the Examiner, Miida does not present each and every element of this claimed element feature. Furthermore, the present application claims a provider application interface providing software specific functions, procedures, and methods. The Examiner recites Miida in teaching a transmission device which has a command control unit provider. However, this does not teach specific functions, procedures, and method as claimed in the present application.

As per claim 36, the applicant claims a common interface model object manager. The Examiner recites Miida as teaching a web page which may be displayed to inform

individuals of information. However, a display of information is not a manager function and does not manage in the sense that the present application manages. Therefore, it cannot be said that Miida teaches this element of the present application.

As per claim 38, applicant claims a remote monitoring service. The Examiner recites Miida where status information of a device is analyzed. However, this analysis function does not teach remote monitoring as claimed by the applicant. Therefore, Miida cannot be said to teach remote monitoring as claimed by the applicant.

The arguments made with respect to claims 34-39 are equally applicable to the similar rejections of claims 40, 41, 42-45 and thus the same arguments are made with respect to the same rejections presented by the Examiner.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 34-45) are now in condition for allowance.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	12	- 33 =	0
INDEPENDENT CLAIMS	3	- 3 =	0

This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.


The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 363-9000.

Respectfully submitted,

FAY SHARPE LLP

August 19, 2009
Date


Roger A. Johnston, Reg. No. 25,880
Patrick R. Roche, Reg. No. 29,580
The Halle Building – Fifth Floor
1228 Euclid Avenue
Cleveland, OH 44115
216-363-9000

N:\XERZ\201278\TLL\0003379\001.docx